

the validity of any other section, paragraph, sentence or clause.

Sec. 13. All laws and part of laws in conflict with any of the provisions of this Act are hereby suspended during the effective period of this Act, but not repealed and this Act shall terminate and be of no further force and effect on and after January 1, 1935.

Sec. 14. The fact that under existing laws forced sales are had under deeds of trust and vendor's liens at which tracts of real estate are sold at prices greatly below their real and equitable value, and the fact that such sales work inequities and undue hardships upon the owners of such real estate, and the further fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with the foreclosure of liens upon property, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and the fact that great and irreparable wrong and injury will be done unless immediate relief as provided herein be granted, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
February 14, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Rawlings.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Duggan:

S. B. No. 15, A bill to be entitled "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm and in meeting the present emergency in connection with the recent findings of the pink bollworm in the counties of Bailey, Lamb, Cochran, Hockley, Yoakum, Terry, Gaines, and Dawson, and by so doing to insure the continuance of interstate trade relations now enjoyed by Texas; and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Pace:

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 17, A bill to be entitled "An Act providing for the Agricultural and Mechanical College Sub-

station No. 12, located in Hardeman County, Texas, in order to provide material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Sub-station No. 12, for said purposes, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Duggan:

S. B. No. 18, A bill to be entitled "An Act amending Section 3 of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52, so as to provide the method of prorating funds providing in said chapter, fixing date for filing claims under said appropriation providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Poage:

S. B. No. 19, A bill to be entitled "An Act to validate the adoption papers that were signed by the adopting parent or parents prior to January 1, 1923, and making the Acts of adoption prior thereto valid, whether the adoption papers were authenticated or acknowledged as deeds are required to be; or whether same were filed for record prior to the death of the adopting parent or parents."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator DeBerry:

S. B. No. 20, A bill to be entitled "An Act amending Articles 5740, 5742, 5744, and 5757 of the Revised Civil Statutes of Texas, 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Co-operative Marketing Act of Texas; and declaring an emergency."

Read first time and referred to the Committee on Agriculture.

By Senator Duggan:

S. B. No. 21, A bill to be entitled "An Act re-appropriating any unexpended balances of the funds appro-

priated in aid of rural schools of the State of Texas in the emergency appropriation to pay outstanding indebtedness incurred through the operation of the rural aid law as made by Chapter 173, Acts Regular Session, Forty-third Legislature; such unexpended balances to be used for the purpose of supplementing the rural aid appropriation as made by Chapter 211, Acts Regular Session, Forty-third Legislature, such unexpended balances or so much thereof as may be necessary to be used and expended in aid of rural schools under the provisions of Chapter 211, Acts, Regular Session, Forty-third Legislature, and declaring an emergency."

Read first time and referred to the Committee on Finance.

#### Senate Resolution No. 14.

Senator Holbrook sent up the following resolution:

Whereas, Hon. Robt. J. Cohen, Jr., President Calveston Merchants Associations, civic leader, and his party are in the Senate Chamber—

Whereas, He and his party added to the pleasure of the Senate last evening;

THEREFORE, BE IT RESOLVED, By the Senate, That he be invited to address this body and tell us why he came to town.

The resolution was adopted.

The Chair appointed Senators Holbrook and Blackert to escort Mr. Cohen to the platform.

This being done, Senator Holbrook introduced Hon. Robert J. Cohen, Jr. to the Senate, who briefly addressed the Senate, and thanked the Senate for the privilege of attending today's session.

#### Message From the Governor.

Executive Department,

Austin, Texas, Feb. 13, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Kayton, Hartzog and others, I am submitting herewith for your consideration a bill being entitled: "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, . . . and declaring an emergency."

At the request of Representatives Kayton and Reader I am submitting herewith for your consideration a bill to be entitled: "An Act mak-

ing a certain emergency and supplemental appropriation out of the General Revenue of the State of Texas for the State Department of Health for the balance of the fiscal year ending August 31, 1934, and declaring an emergency."

At the request of Representative Celaya I am submitting herewith for your consideration a bill to be entitled: "An Act amending Section 6 of S. B. No. 69 passed by the First Called Session of the Forty-third Legislature, . . . and declaring an emergency."

At the request of Representative Celaya I am also submitting for your consideration a bill to be entitled: "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. 300 passed by the Regular Session of the Forty-third Legislature, . . . and declaring an emergency."

At the request of Representatives Bradley, Morse, Holland, Mathis and Moore, I am submitting herewith for your consideration a bill to be entitled: "An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products, . . . and declaring an emergency."

At the request of Representatives Nicholson and McKee, I am submitting herewith for your consideration a bill to be entitled: "An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Art. 3886-b) providing for the maximum compensation of Assistant County Attorneys and other employees of the County Attorney in all counties in the State having a population of 100,001 inhabitants, and not more than 150,000 inhabitants and containing two cities of 50,000 population or more each, . . . and declaring an emergency."

At the request of Representatives Wells, Steward and Lange and others, I am submitting for your consideration a bill to be entitled: "An Act to prohibit the taking, killing or possession of wild fox for

the purpose of barter or sale in certain counties, and declaring an emergency."

At the request of Representative Ray, I am submitting herewith for your consideration a bill to be entitled: "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Bell County; prohibiting the transportation by any one person at one time of more than one hundred (100) minnows beyond the borders of Bell County; providing a penalty and declaring an emergency."

At the request of the Chairman of the Highway Commission I am submitting for your consideration a bill to be entitled: "An Act to amend Sections 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended . . . and declaring an emergency."

At the request of Honorable L. A. Woods, State Superintendent, and Senator A. P. Duggan and others, I am submitting herewith for your consideration a bill to be entitled: "An Act reappropriating any unexpended balances of the funds appropriated in aid of rural schools of the State of Texas in the emergency appropriation to pay outstanding indebtedness incurred through the operation of the rural aid law as made by Chapter 173, Acts Regular Session, Forty-third Legislature; . . . and declaring an emergency."

At the request of Honorable J. E. McDonald, Commissioner of Agriculture, I submit herewith for your consideration a bill to be entitled: "An Act making an emergency appropriation out of that portion of the Special Racing Fund that has been or will be allocated to the State Department of Agriculture, for the purpose of purchasing and erecting necessary machinery and conducting essential work necessary for preventing the further spread of the pink bollworm, . . . and declaring an emergency."

At the request of Representative Moffett, I submit herewith for your consideration a bill to be entitled: "An Act providing for the Agricultural and Mechanical College Substation No. 12, located in Hardeman County, Texas, in order to provide

material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Sub-station No. 12 for said purpose, and declaring an emergency."

At the request of Representative P. L. Anderson, I submit herewith for your consideration a bill to be entitled: "An Act to define License Tax, regulate and control recreation establishments, fixing penalties for violation of said Act, and declaring an emergency."

At the request of the Pink Boll Worm Compensation Claim Board I am submitting herewith for your consideration a bill to be entitled: "An Act amending Section 111 of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being S. B. No. 52, . . . and declaring an emergency."

At the request of Representative Merritt, I am submitting herewith for your consideration a bill to be entitled: "An Act to validate the organization and creation of all school districts including Common School Districts, Independent School Districts, Consolidated Common School Districts, Consolidated Independent School Districts, County Line School Districts, Consolidated County Line School Districts, and Rural High School Districts, . . . and declaring an emergency."

At the request of Representative Hudleston I am submitting herewith for your consideration a bill to be entitled: "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in Coryell County, and declaring an emergency."

At the request of Representatives Moore and Morse, I am submitting for your consideration a bill to be entitled: "An Act amending Sections 1, 2, 4, 5, 6, 8, 9, and 12 Chapter 241, Acts of the Regular Session, 43rd Legislature, page 845, and further amending Chapter 241 Acts Regular Session Forty-third Legislature, page 843 . . . and declaring an emergency."

By request I am herewith submitting for your consideration an act to validate the adoption papers that were signed by the adopting parent

or parents prior to January 1, 1923, . . . ."

At the request of Representatives Riddle, Hoskins, Englehard and others, I am submitting herewith for your consideration a bill to be entitled: "An Act amending Article 879 and Article 879 of Chapter 6, Title 13, Revised Criminal Statutes of Texas, as amended . . . providing a penalty, and declaring an emergency."

At the request of Representatives Griffith, Duval and Anderson, I am submitting herewith a bill to be entitled: "An Act amending Sub-section 5 of Article 6675a of Vernon's Annotated Texas Civil Statutes same being Section 5 of Page 172, Chapter 172, Chapter 88, of the Acts of the Forty-first Legislature, Second Called Session of 1929 . . . ."

By request I am submitting herewith for your consideration a bill to be entitled: "An Act providing that every person, firm, corporation, partnership or association of persons before engaging in the business of a wholesale fish dealer or a retail fish dealer shall make application to and receive from the Game, Fish and Oyster Commission a license to engage in such business, . . . and declaring an emergency."

At the request of Representative Bradley, I am submitting herewith for your consideration three bills as follows:

1. A bill to be entitled: "An Act defining and limiting jurisdiction of courts in matters affecting employers and employees; declaring the public policy of the State in such matters; declaring all contracts made in violation of such public policy to be unenforceable . . . and declaring an emergency."

2. A bill to be entitled: "An Act protecting the employment of women and minors; authorizing the Labor Commission to investigate and deal with such employment . . . and declaring an emergency."

3. A bill to be entitled: "An Act amending Chapter 53, Acts of the Forty-third Legislature, First Called Session, declaring the economic conditions and policy of this State concerning cooperation with the National Government in authorizing and providing for action by trade groups, labor and management of industry,

eliminating unfair competition . . . and declaring an emergency."

At the request of Representatives Van Zandt, Adamson and Barron, I submit herewith for your consideration a bill to be entitled: "An Act to amend S. B. 111 passed at the Third Called Session of the Thirty-ninth Legislature as amended . . . and declaring an emergency."

At the request of Representatives Hugh Jones, Pope and others, I submit herewith for your consideration a bill to be entitled: "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent February 1st, 1934 due State, county, common school districts, road districts, levee improvement districts, water improvement districts, and water control and improvement districts, irrigation districts and other defined subdivisions of the State, other than incorporated cities, towns and villages; providing said taxes are paid on or before December 31, 1934, . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor.

#### S. B. No. 13.

Senator Purl asked unanimous consent to take up, out of regular order, S. B. No. 13. There being no objection the bill was placed before the Senate on second reading.

S. B. No. 13, A bill to be entitled, "An Act to amend Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legislature at the Regular Session so as to provide that the counties affected thereby shall be granted reimbursement for high school tuition and transportation, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Holbrook moved that the bill be laid on the table subject to call.

The motion prevailed.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 14, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House passed the following bills and resolutions:

H. B. No. 31, A bill to be entitled "An Act amending Chapter 90, Acts of the First Called Session of the Forty-third Legislature, 1933, by adding to Section 1, thereof, a new subdivision defining the term 'Counterfeit Stamp,' as used in said Act; and further amending said chapter by amending Section 11, thereof, redefining the offense prohibited therein, and prescribing the penalty for a violation thereof; and further amending said chapter by adding new sections thereto; etc."

H. B. No. 33, A bill to be entitled "An Act authorizing the Governor to refund the principal of outstanding State of Texas bonds held by the State Permanent School Fund, and other educational and eleemosynary institutions' permanent funds; authorizing and directing the Governor to exchange said refunding bonds for the principal of outstanding State of Texas bonds; making an appropriation to pay the expense of such refunding, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act appropriating the sum of \$1,200 for each of the two years, beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151 of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature; and declaring an emergency."

H. C. R. No. 18, Granting permission to W. D. Malone and B. Dreyer to sue the State for damages.

H. C. R. No. 21, Granting permission to J. O. Currie and J. C. Locklar to sue the State for damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 14, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

H. B. No. 27, A bill to be entitled "An Act making an appropriation to pay deficiencies for interest on bonds of the State of Texas, held by Permanent School Fund, Permanent Lunatic Asylum Fund, Permanent Blind Institute Fund, Permanent Deaf and Dumb Institute Fund, and Permanent Orphans Home Fund of the State of Texas, authorizing payment of interest on the taking effect of this Act."

H. B. No. 45, A bill to be entitled "An Act providing for the Agricultural and Mechanical College Substation No. 12, located in Hardeman County, Texas, in order to provide material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Substation No. 12, for said purposes, and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act repealing House Bill No. 854, as passed by the Regular Session of the Forty-third Legislature in Regular Session, and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act validating all elections, election orders, election proceedings, and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any incorporated city having a population of not less than 3,000, and not more than 6,000 inhabitants, as shown by the Federal Census of 1930, and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act validating refunding bonds issued by certain water improvement districts, under authority of Acts, 1933, Forty-third Legislature, page 171, Chapter 78; authorizing a levy to be made for prior years where part or all the bonded indebtedness of such water improvement districts has been refunded; etc."

H. B. No. 64, A bill to be entitled "An Act providing that in all counties having a population in excess of 350,000 inhabitants, according to the last available Federal Census, the county school superintendent shall be appointed by the board of county school trustees, and shall hold office for four years, and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act permitting the taking of

pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act making an emergency appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas, and the Penitentiary System, located at Huntsville, Texas; providing the purposes thereof, the means and manner of expenditure; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

S. C. R. No. 6.

The Chair laid before the Senate on second reading, S. C. R. No. 6, Relating to a Centennial Committee.

Senator Oneal moved the adoption of the resolution. The motion was withdrawn.

Senator Oneal moved that the resolution be laid on the table subject to call.

The motion to lay on the table prevailed.

#### Bills Referred.

H. B. No. 27, referred to the Committee on Finance.

H. B. No. 31, referred to the Committee on State Affairs.

H. B. No. 33, referred to the Committee on State Affairs.

H. B. No. 38, referred to the Committee on Finance.

H. B. No. 39, referred to the Committee on Finance.

H. B. No. 45, referred to the Committee on Finance.

H. B. No. 56, referred to the Committee on Game, Fish and Oysters.

H. B. No. 60, referred to the Committee on Towns and City Corporations.

H. B. No. 62, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 64, referred to the Committee on Education.

H. B. No. 65, referred to the Committee on Game, Fish and Oysters.

#### Bill Re-referred.

On motion of Senator Martin, H.

B. No. 31 was re-referred from the Committee on State Affairs to the Committee on Finance.

### Bill and Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bill and resolutions:

S. B. No. 7. H. C. R. No. 26.  
S. C. R. No. 16.

### Senate Bill No. 3.

The Chair laid before the Senate S. B. No. 3, same having been set for special order on yesterday:

S. B. No. 3, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution sales of real estate and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments; and providing further for amending House Bill Number 231, Chapter 102, page 225, General Laws passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein may be postponed or continued and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds and setting forth the conditions to be complied with and the duties of the

judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws; fixing a State policy, containing a saving clause; extending the time within which relief may be granted under the terms of said House Bill No. 231, and fixing venue for suits, the object of which suits are to foreclose liens upon real estate, and declaring an emergency."

### Points of Order.

Senator Rawlings presiding.

Senator Holbrook raised the point of order that Senate Rule 31-a had not been complied with in that printed copies of the bill had not been placed on the desks of the Senators for 24 hours before time set for consideration of the bill.

The Chair overruled the point of order, stating that the point of order comes too late by reason of the fact that the action of the Senate on yesterday, setting the bill for special order today, and knowing that the bill had not been printed at that time, was tantamount to a waiver of the necessity for having the printed bill on the desks for 24 hours before consideration.

Senator Woodul raised the point of order that the motion setting the bill for special order did not receive a two-thirds vote, nor did it receive a unanimous vote, according to the record, therefore Rule 31-a was not suspended by such motion.

The Chair overruled the point of order.

Senator Woodul appealed from the ruling of the Chair on the point of order.

The question whether or not the Chair be sustained in his ruling was put to the Senate and the Senate refused to sustain the ruling of the Chair by the following vote:

Yeas—11.

Collie.	Purl.
Cousins.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	

Nays—13.

Blackert.	Greer.
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Hopkins.	Redditt.
Hornsby.	Russek.
Pace.	Woodruff.
Patton.	Woodul.
Poage.	

Present—Not Voting.

DeBerry.	Woodward.
Rawlings.	

Absent.

Beck.	Parr.
Neal.	

Absent—Excused.

Fellbaum.

Senator DeBerry moved that the rule be suspended which requires bills to be printed and placed on the desks of the members 24 hours before consideration.

The rule was suspended and the bill was placed on second reading by the following vote:

Yeas—26.

Beck.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—2.

Duggan.	Holbrook.
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Absent.

Blackert.	Parr.
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Absent—Excused.

Fellbaum.

Recess.

On motion of Senator Stone, the Senate, at 12:10 o'clock, recessed until 2 o'clock p. m. today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

### Resolutions Referred.

H. C. R. No. 18, referred to the Committee on State Affairs.

H. C. R. No. 21, referred to the Committee on State Affairs.

### Messages From the Governor.

Executive Department,

Austin, Texas, Feb. 14, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Jefferson and Lemens, I am submitting herewith for your consideration a bill to be entitled: "An Act to amend Article 4629 of the Revised Civil Statutes of Texas, 1925, relating to grounds for divorce, and declaring an emergency."

At the request of Representative Robert Long I am submitting herewith for your consideration a bill to be entitled: "An Act amending Section 5 of Chapter 26, Acts Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe lines with meters and report measurements of same, and declaring an emergency."

At the request of Representative A. C. Kyle, I am submitting herewith for your consideration a bill to be entitled: "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal census for the year 1930; and defining from what fund such salaries shall be paid; and declaring an emergency."

At the request of Representatives Griffith, Rogers, Young and Cathey and others, I am submitting herewith for your consideration a bill to be entitled: "An Act declaring the Colared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing suitable penalty and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.



Executive Department,

Austin, Texas, Feb. 14, 1934.

To the Forty-third Legislature in  
Second Called Session:

There is hereby submitted to you for your consideration the matter of correcting the conflicting provisions of H. B. No. 154 and H. B. No. 844, passed by the Regular Session of the Forty-third Legislature, the former being a gross production tax bill of crude petroleum and the latter making it penal offenses to violate certain provisions thereof with reference to oil and gas.

When I signed these two bills, I called attention to the conflicts as to certain penalty provisions of the bills. Each bill has certain sections the same, but for the violation of the matters therein contained the penalties are different; thus for the correcting of these matters I submit same to you; also to make the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust company, criminally responsible for failure to comply with the provisions of H. B. No. 844, and it may be amended by you.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 14, 1934.

To the Forty-third Legislature in  
Second Called Session:

At the request of Representative Harmon, Chairman of the Appropriations Committee, I submit for your consideration the question of additional emergency relief appropriations for the Insurance Department, the State Board of Control, the Texas State Parks Board, the Executive Department, the Texas State Department of Agriculture, the Livestock Sanitary Commission, the Ranger Service, the State Auditor and Efficiency Expert, the Attorney General's Department, the Bureau of Labor Statistics, the General Land Office, the State Health Department, the State Commission for the Blind, the Court of Civil Appeals, and the Board of Water Engineers.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,

Austin, Texas, Feb. 14, 1934.

To the Forty-third Legislature in  
Second Called Session:

By request I am submitting for your consideration the question of providing for the holding of a celebration or celebrations commemorating the Texas Centennial in 1936, and making appropriation therefor.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

### Senate Bill No. 3.

Discussion was resumed on S. B. No. 3.

Senator Small moved that the committee substitute to S. B. No. 3 be adopted and considered at this time in lieu of the original bill.

The motion prevailed.

Senator Holbrook sent up the following amendment:

Amend Section 4 of Committee Substitute for S. B. No. 3 by striking out said Section and substituting in lieu thereof the following:

Sec. 4. In the order granting continuance or stay of execution or a temporary injunction under the provisions of this Act the Court shall direct that insurance premiums and taxes on the property and interest on the indebtedness shall be paid by the debtor during the continuance, stay or injunction, and in all cases the order shall provide that a failure to pay said insurance, taxes and interest, as and when due, will of itself vacate the order.

Senator Woodruff sent up the following amendment to the Holbrook amendment:

Amend the Holbrook amendment to S. B. No. 3, by adding at the end of the last paragraph thereof the following:

"Provided, however, that the foregoing shall not apply to property affected with homestead character as defined in the Statutes and Constitution of this State."

The amendment was adopted.

Senator Woodruff sent up the following second amendment to the Holbrook amendment:

Amend Holbrook amendment to S. B. No. 3 by striking out the word "interest" wherever same appears.

The amendment was adopted.

Senator Oneal sent up the following amendment as a substitute of the Holbrook amendment as amended:

Amend C. S. S. B. No. 3 by inserting after the word "property" in line 33, page 9, of the printed bill the following:

"Provided that said rent shall not be less than the amount required to pay the premium on sufficient fire insurance on the property during the stay order to cover the indebtedness against the same secured by the lien sought to be foreclosed, or on so much of said insurance as may be procurable on said property."

ONEAL,  
PURL.

The substitute amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend Sub-section (g) of Section 1 of Committee Substitute 4 for S. B. No. 3 by striking out said Sub-section and inserting in lieu thereof the following:

"(g) That the defendant or relator will pay insurance premiums on the property, on the indebtedness during the period of the stay or injunction, if granted."

On motion of Senator Holbrook the Senate gave unanimous consent that the amendment be withdrawn.

Senator Holbrook sent up the following amendment:

Amend Section 3 of the Committee Substitute for S. B. No. 3, by striking out the words "or the Judge of the Court from which the execution or order of sale is issued," and inserting in lieu thereof the following:

"In case of threatened sales under Deed of Trust, or in cases where suit has been instituted by the creditor, the Judge of the Court in which said suit is pending or from which the execution or order of sale is issued."

Senator Woodward sent up the following amendments as a substitute to the pending amendment by Senator Holbrook:

Amend the substitute bill as follows:

Strike out line 41 page 9, the following:

"All writs of injunction issued" and strike out all of lines 42 and 43, page 9.

The amendment was lost by the following vote:

Yeas—5.

Greer.  
Holbrook.  
Purl.

Woodul.  
Woodward.

Nays—20.

Beck.  
Collie.  
Cousins.  
DeBerry.  
Duggan.  
Hernaby.  
Martin.  
Moore.  
Murphy.  
Oneal.

Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.

Present—Not Voting.

Neal.

Parr.

Absent.

Blackert.  
Hopkins.

Patton.

Absent—Excused.

Fellbaum.

Second part of substitute to Holbrook amendment as follows:

Strike out all the words after court, line 8, page 9, and all of line 9 and the word "issued" in line 10 and insert in lieu thereof the following:

"having jurisdiction of the subject matter."

On motion of Senator Woodward the Senate granted unanimous consent to withdraw the second amendment.

Senator Holbrook sent up the following amendment:

Amend Section 7 of the Committee Substitute for S. B. No. 3 by striking out the words "for the payment of rent on property involved" and inserting in lieu thereof the following:

"for the payments required on the property involved, or that the reasonable expectancy of the debtor that the indebtedness would be materially reduced or that a substantial amount thereof would be refinanced has not been realized within a reasonable time."

Senator Small moved to table the Holbrook amendment.

The motion to table prevailed.

Senator Holbrook sent up the following amendment:

Amend Section 4 of the Committee Substitute for S. B. No. 3 by inserting just preceding the last sentence of said Section 4 a new sentence to read as follows:

"In determining the amount of rent to be paid, the Court shall fix said amount at the reasonable rental value of the property, in no event less than the rents and revenues actually produced by the property."

The amendment was adopted.

Senators Poage and Collie sent up the following amendment:

Section 1, subsection "j" by striking out the words "and is secured by a valid lien on the security" and insert in lieu thereof the following: "and that some substantial portion of the debt is justly owing and is secured by a valid lien on the security, and in event the defendant or the relator denies the justice of any portion of the debt he shall set out in detail and under oath the particular items and sums which are unjust and the particulars in which such items and sums are unjust."

The amendment was adopted.

Senators Poage and Collie sent up the following amendment to be considered at the same time as the above amendment sent up by them:

Amend C. S. S. B. No. 3, Section 1, subsection (a) by adding after the words "justly obligated to pay" the following:

"a substantial portion of"

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend Section 1 of Committee Substitute for S. B. No. 3 by adding thereto a new Sub-section to be entitled "Sub-section (k)" reading as follows:

"(k) That the property upon which the lien is sought to be foreclosed is impressed with a homestead character as defined by the Constitution and Statutes of this State."

PURL.

The amendment was lost by the following vote:

Yeas—8.

Blackert.  
Duggan.  
Holbrook.  
Hopkins.

Moore.  
Purl.  
Redditt.  
Woodruff.

Nays—22.

Beck.  
Cousins.  
Collie.  
DeBerry.  
Greer.  
Hornsby.  
Martin.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Patton.  
Poage.  
Rawlings.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodul.  
Woodward.

Absent—Excused.

Fellbaum.

Senator Hornsby sent up the following amendment:

Amend C. S. S. B. No. 3, in line 49, on page 8, subdivision "h" by inserting the word "lawful" after the word "any," and by inserting the word "collecting" instead of "gathering" in said line.

HORNSBY.

The amendment was adopted.

Senator Woodward sent up the following amendment:

Amend by adding a new section to be Section 8-a, to read as follows:

"Sec. 8-a. In all cases determined by the court under the terms of this Act, the judge shall, at the request of any party to such proceedings, file with the clerk within five days from the order made by the judge, his findings of facts and his conclusions of law."

WOODWARD.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend Section 4 of committee substitute for S. B. No. 3 by striking out the words "and direct that monthly installments be paid to the clerk for application on the debt demanded" and by adding at the end of the first sentence of said section another sentence reading as follows:

"Such payments shall be made to the creditor on or before the fifth (5th) day of each succeeding calendar month; the creditor shall apply the amounts paid by the debtor to

insurance, taxes, interest and principal in the order named in the event of the creditor's failure to apply such sums in such manner the court or judge shall appoint a disinterested party to collect and so apply the amounts paid by said debtor, and the creditor shall be charged with, and the debt shall be credited with any loss by reason of the creditor's failure to so apply the amounts collected."

**HOLBROOK.**

Senator Small moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—20.**

Collie.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

**Nays—7.**

Beck.	Parr.
Blackert.	Redditt.
Holbrook.	Woodul.
Pace.	

**Present—Not Voting.**

**Purl.**

**Absent.**

**Cousins.**                      **Hopkins.**

**Absent—Excused.**

**Fellbaum.**

Senator Purl sent up the following amendment:

Amend committee substitute by adding between lines 57 and 58, page 8, a sub-section to be known as Sub-section (k) to read as follows:

"Sec. k. This Act shall have no effect upon any suit or cause of action based upon or seeking to enforce a partition of real estate, nor upon any suit or cause of action between joint tenants, co-tenants, or tenants in common in the real estate involved in litigation, nor upon any suit or cause of action based upon or seeking to enforce a lien upon an undivided interest in real estate,

when the party seeking to enforce such lien is a tenant in common with the defendant, unless such tenant in common became the owner of such lien after the passage of this Act."

**PURL,**  
**WOODWARD.**

The amendment was adopted.

Senator Martin sent up the following amendment:

Amend C. S. S. B. No. 3, by adding between lines 25 and 26, on page 10, another paragraph to be known as Sub-section 11-a, as follows:

"Sec. 11-a. The provisions of this Act shall be available to any junior lien holder who desires to protect any equity held in any property against which foreclosure proceedings are instituted, or which is being foreclosed on by virtue of deed of trust provided the said junior lien holder shall comply with all the provisions of said Act as are required of defendants in possession of said land."

**MARTIN.**

The amendment was lost by the following vote:

**Yeas—8.**

Collie.	Parr.
Holbrook.	Patton.
Martin.	Russek.
Neal.	Sanderford.

**Nays—18.**

Beck.	Poage.
Blackert.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Absent.**

**Cousins.**                      **Hopkins.**  
**Greer.**                        **Purl.**

**Absent—Excused.**

**Fellbaum.**

Senator Hornsby sent up the following amendment:

Add at the end of Section 3, a new section to be known as Section 3-a, the following:

"Sec. 3-a. Provided, however, that the provisions of this Act shall not apply in any case of foreclosure of

liens against any person, and against property purchased by such person, unless there has been an actual payment of money or something of substantial value made by such purchaser. And provided further, that if any person, against whom the foreclosure of a lien is sought, shall claim an actual payment of money in the purchase of the property subject to such lien, then the burden shall be on such purchaser to establish such actual payment of money or thing of substantial value.

HORNSBY.

Senator Small sent up the following amendment to the Hornsby amendment:

Amend the pending amendment:

"Provided that this provision shall not apply to property that is acquired by bona fide gift or by devise or descent."

SMALL.

The amendment to the amendment was adopted.

The Hornsby amendment was adopted.

#### Amendments Pending.

The following amendments were sent up to be printed in the Journal and to stand pending:

Amend C. S. S. B. No. 3, by striking out the word "two" in Sub-section 4 of Section 1, line 49, and insert therein the word "four."

SANDERFORD.

Amend C. S. S. B. No. 3, by striking out all of Section 3 after line 23, and placing period at the end of line 23.

DeBERRY.

#### Officer Excused.

On motion of Senator Woodward, Sergeant-at-Arms Holt was excused indefinitely on account of illness.

#### Senate Bill No. 22.

By Senators Neal, Parr, Purl, Small, Russek, Patton, Stone, Hornsby, Duggan, Woodul, Greer, Martin, Hopkins, Sanderford, Woodward:

S. B. No. 22, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or Celebrations in 1936; to provide for the creation of a Texas Centennial Commission of not less than twenty-one members and its permanent or-

ganization; to provide for filling vacancies and adding additional members; to provide for the creation of an advisory board of not less than one hundred members; to provide for compensation of officials and representatives; to create a public corporation known as "The Texas Centennial Commission," having power to procure charter or charters for non-profit-making corporations; to clothe the Texas Centennial Commission with plenary power to do any and all things in its judgment necessary to carry out the purposes of the organization; to give the commission authority to borrow money, negotiate loans, execute, deliver and dispose of its notes and bonds; to make such contracts as in its judgment may be necessary with individuals, institutions, communities, counties, districts, municipalities, states, countries and foreign powers; to negotiate loans from the Federal Government, or through any of its constituted agencies; to limit the rate of interest on indebtedness to six (6%) per cent; to prohibit incurring any indebtedness in any form whatsoever against the State of Texas to empower the Centennial Commission to pledge, hypothecate and mortgage its properties, receipts, income or anticipated revenues for the purpose of discharging its indebtedness making an appropriation; to provide that if any provision herein shall be held invalid no other provision shall be affected; and declaring an emergency."

Read first time and referred to the Committee on Finance.

#### Recess.

On motion of Senator Woodward, the Senate, at 5:20 o'clock p. m., recessed until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 13, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 7 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 16 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to amend Article 3264, Revised Civil Statutes of 1925, by authorizing irrigation districts, water improvement districts and water power control districts to condemn land under the general condemnation statutes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 13, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 14, A bill to be entitled "An Act granting to the Houston Yacht Club, its successors and assigns, all right, title and interest of the State of Texas to certain land under the waters of Galveston Bay, for harbor purposes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

WOODUL, Vice-Chairman.

#### Committee Amendment.

Strike out of Section 1 of S. B. No. 14, the following language next preceding Section 2:

"and so long thereafter as the same may be used and maintained as a harbor."

Committee Room,  
Austin, Texas, Feb. 14, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

#### THIRTEENTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
February 15, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 3.

Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 3, by striking out the word "two" in Sub-section H of Section 1, line 49, and insert therein the word "four."

SANDERFORD.

Senator Woodul sent up the following substitute to the amendment:

Substitute for the pending amendment by inserting "one" where the amendment specifies "four."

WOODUL.

The substitute amendment was lost.

Senator Holbrook moved to table the Sanderford amendment.

The motion to table prevailed by the following vote:

Yeas—14.

Blackert.  
Collie.  
Duggan.

Holbrook.  
Hornsby.  
Murphy.